IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:3.1.2007

CORAM;

THE HONOURABLE MR.JUSTICE P.JYOTHIMANI

W.P.NO.46938 OF 2006
and
M.P.Nos.1,2,3 and 4 of 2006

P.Kumaresan
Working President
All India Scheduled Castes and
Scheduled Tribes Railway Employees
Association, South Zone,
Chennai(Regd.No.S.1517)
No.85, Carriage Works Road,
Ayanavaram
Chennai 600 023 ..Petitioner

vs

1.The Chairman
Railway Board
Rail Bhavan
New Delhi 110 001
representing the Ministry of Railways
Govt.of India

2.The Executive Director(Reservation)
Railway Board
New Delhi 110 001

3.The Chief Personnel Officer
Southern Railway
Park Town,Chennai 600 003

4.All India SC/ST Railway Employees
Association
rep. by its General Secretary
Central Executive Committee
No.171/B-3, Basant Lane
Railway Colony, New Delhi 110 001 ..Respondents

Writ Petition is filed under Article 226 of the Constitution of India for the issue of writ of Mandamus as stated therein.

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for petitioner :Mr.V.Prakash
Senior Counsel
for
Mr.S.S.Vasudevan

for respondents :Mr.R.Thiagarajan
Senior Counsel
for
Mr.V.R.Sureshkumar
(for R1 to R3)

Mr.AR.L.Sunderasan
Senior Counsel
for
AL.Gandhimathi
(for R4)

ORDER

The writ petition is filed for issue of a writ of Mandamus forbearing the respondents 1 to 3 from acting upon the election held on 25.11.2006 circulating any list of office bearers of the 4th respondent association until the tenure of office as per the order No.P(S)171/P/ZEC/Vol.II 23.3.2006 of the 3rd respondent comes to an end.

2. After arguing for some time, Mr.V.Prakash, learned senior counsel appearing for the petitioner as also admitted by Mr.AR.L.Sundaresan, learned senior counsel appearing for the 4th respondent submitted jointly that in fact the second respondent Railway Board has by letter dated 5.12.2006 addressed to the 4th respondent referring to the letter of the 4th respondent dated 25.11.2006 requested certain information to be furnished to examine the matter relating to circulation of list of elected office bearers of Central Executive Committee stated to have been held on 25.11.2006.

3. It is the contention of Mr.V.Prakash, learned senior counsel appearing for the petitioner that in respect of such particulars which is stated to have been furnished by the 4th respondent pursuant to the direction by the 2nd respondent, the writ petitioner association should also be heard.

4. Mr.AR.L.Sundaresan, learned senior counsel appearing for the 4th respondent opposed that it is not the duty of the Railway Board to decide the validity or otherwise of the election or the dispute between the respondents.

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5. Mr.R.Thiagarajan, learned senior counsel who is representing the respondents 1 to 3 also would submit that inasmuch as the petitioner has already approached the Delhi High Court on its original side in respect of validity of the election, the decision of the Delhi High Court is to be preferred.

6. In such circumstances, the Railway Board cannot take independent decision about the validity or otherwise of such election. In view of the same, the learned senior counsel appearing for the petitioner would submit that the writ petition would be disposed of with liberty to the parties to raise appropriate relief based on the order that may be passed by the Railway Board pursuant to the clarification sought for from the 4th respondent.

7. Therefore, making it clear that it is for the Railway Board to pass orders based on the information sought for by the 2nd respondent and furnished by the 4th respondent and it is always open to the aggrieved parties to work out appropriate remedy in the manner known to law and accordingly the writ petition is disposed of in the above terms. No costs. Consequently, M.P.Nos.1,2,3 and 4 of 2006 are also disposed of.

sal

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Chairman
Railway Board
Rail Bhavan, New Delhi 110 001
representing the Ministry of Railways
Govt.of India

2.The Executive Director(Reservation)
Railway Board, New Delhi 110 001

3.The Chief Personnel Officer
Southern Railway, Park Town,Chennai 600 003
1 cc to Mr.V.G.Suresh, Advocate, SR.513
1 cc to Mr.S.S.Vasudevan, Advocate, SR.415
2 ccs to Mrs.AL.Gandhimathi, Advocate, SR.428
tej (co)
dv/5.1.07

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